



Order Filed on February 23, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

**Robertson, Anschutz, Schneid, Crane & Partners,
PLLC**

Authorized Agent for Secured Creditor
130 Clinton Road, Lobby B, Suite 202
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Harold Kaplan (HK0226)

In Re:

Joseph M. Simonini, Jr.,

Debtor,

Case No.: 19-27127-JNP

Chapter: 13

Hearing Date: February 23, 2021

Judge: Jerrold N. Poslusny Jr.

**AGREED ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: February 23, 2021

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Secured Creditor: NewRez LLC d/b/a Shellpoint Mortgage Servicing

Secured Creditor's Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtors' Counsel: Seymour Wasserstrum, Esq.

Property Involved ("Collateral"): 314 E. Church Street, Blackwood, NJ 08012

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 8 months from July 1, 2020 through February 1, 2021.
- The Debtor is overdue for 4 payments from July 1, 2020 at \$1,239.60 per month.
- The Debtor is overdue for 4 payments from November 1, 2020 at \$1,199.38 per month.

Funds Held In Suspense \$1,234.32.

Total Arrearages Due \$8,521.60.

2. Debtor must cure all post-petition arrearages, as follows:

- Beginning on March 1, 2021, regular monthly mortgage payments shall continue to be made in the amount of \$1,199.38.
- Beginning on March 15, 2021, monthly cure payments shall be made in the amount of \$1,420.27 for 5 months with a 6th and final payment in the amount of \$1,420.25 coming due on or before August 15, 2021.

3. Payments to the Secured Creditor shall be made to the following address(es):

- Regular monthly payment: NewRez LLC dba Shellpoint Mortgage Servicing
ATTN: Bankruptcy Department
PO Box 740039
Cincinnati, Ohio 45274-0039

■ Monthly cure payment: NewRez LLC dba Shellpoint Mortgage Servicing
ATTN: Bankruptcy Department
PO Box 740039
Cincinnati, Ohio 45274-0039

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel may file a Certification of Default with the Court. A copy of the Certification may be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court may enter an Order granting relief from the Automatic Stay. Debtor may pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) may cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel may file a Certification of Default with the Court, a copy of the Certification may be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court may enter an Order granting relief from the Automatic Stay. Debtor may pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel may file a Certification of Default with the Court a copy of the Certification may be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court may enter an Order granting relief from the Automatic Stay. Debtor may pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

5. Award of Attorneys' Fees:

■ The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.

The fees and costs are payable:

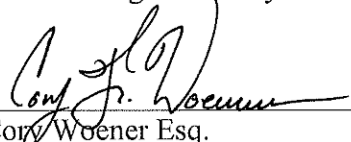
■ Through the Chapter 13 plan.

□ To the Secured Creditor within _____ days.

□ Attorneys' fees are not awarded.

6. In the event Secured creditor has not filed a timely Proof of Claim, Debtor consents to the filing and payment by the Chapter 13 Trustee of any late filed Proof of Claim, subject to the right of the Debtor to file an objection as to the amount.

The undersigned hereby consent to the form and entry of the foregoing order.


Cory Woener Esq.
Attorney for Debtor(s)
Date: 2/23/2021

/s/ Harold Kaplan

Harold Kaplan, Esq.
Attorney for Secured Creditor
Date: 2/23/2021